

# **Exhibit 3**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - -

In Re: : 03-MDL-1570 (GBD)(SN)  
TERRORIST ATTACKS ON :  
SEPTEMBER 11, 2001 :

- - -

September 20, 2018

- - -

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Videotape deposition of  
JABIR KHALIFA, taken pursuant to notice,  
was held at Dispute Resolution Centre, 70  
Fleet Street, London, EC4Y 1EU, beginning  
at 8:36 a.m., on the above date, before  
Amanda Dee Maslynsky-Miller, a Certified  
Realtime Reporter.

- - -

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<p style="text-align: right;">Page 14</p> <p>1 reporter gave you?</p> <p>2 A. Yes, I am.</p> <p>3 Q. And do you understand that</p> <p>4 this is a somewhat formal</p> <p>5 question-and-answer period where I ask</p> <p>6 you questions and you answer the</p> <p>7 questions?</p> <p>8 A. Yes, I do.</p> <p>9 Q. And that -- will you agree</p> <p>10 with me that when I ask you a question,</p> <p>11 to the best of your ability you'll answer</p> <p>12 the question as truthfully and honestly</p> <p>13 and as fully as possible?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And if you don't understand</p> <p>16 something that I ask you, will you agree</p> <p>17 with me that you'll let me know that so</p> <p>18 that we can make sure that we get an</p> <p>19 answer to a question that you understand?</p> <p>20 A. Yes, I do.</p> <p>21 Q. And in order for us to have</p> <p>22 a clean record, only one of us can talk</p> <p>23 at a time. So when I ask you a question,</p> <p>24 I'm going to try and wait for you to</p>	<p style="text-align: right;">Page 16</p> <p>1 left and to my right asked you to repeat</p> <p>2 some words that she said, that carries</p> <p>3 the same weight as though if you were</p> <p>4 sitting in court and you were told to</p> <p>5 take an oath in court to tell the truth,</p> <p>6 the whole truth and nothing but the</p> <p>7 truth.</p> <p>8 You understand that, right?</p> <p>9 A. Yes, I do.</p> <p>10 Q. Do you have any medical</p> <p>11 conditions that would affect your ability</p> <p>12 to testify here today?</p> <p>13 A. No.</p> <p>14 Q. And do you know Mr. Kry, the</p> <p>15 gentleman seated to your right?</p> <p>16 A. Yes, Mr. Robert.</p> <p>17 Q. Pardon me? Yes?</p> <p>18 A. Yes, I do.</p> <p>19 Q. And how do you know Mr. Kry?</p> <p>20 A. Because we had a meeting</p> <p>21 before on this issue. He represents a</p> <p>22 law office in -- he represents the law</p> <p>23 office.</p> <p>24 Q. He represents Dallah Avco,</p>
<p style="text-align: right;">Page 15</p> <p>1 finish answering the question, but I also</p> <p>2 want you to wait for me to finish asking</p> <p>3 you a question so we're not talking over</p> <p>4 each other.</p> <p>5 Can we agree to do that?</p> <p>6 A. Yes, I'll do that.</p> <p>7 Q. One of the other things is,</p> <p>8 there's a number of people in the room</p> <p>9 and everybody -- and somebody on the</p> <p>10 phone, and we're all interested in</p> <p>11 hearing what you have to say.</p> <p>12 So as your counsel indicated</p> <p>13 a little while ago, as Mr. Kry indicated</p> <p>14 a little while ago, I'm going to ask you</p> <p>15 to try and keep your voice up, okay?</p> <p>16 A. Okay, sir.</p> <p>17 Q. And I struggle the same way,</p> <p>18 so I'll try to keep my voice up, too,</p> <p>19 okay?</p> <p>20 A. Okay.</p> <p>21 Q. And you indicated that you</p> <p>22 understood the oath that you just took.</p> <p>23 I just want to make sure that we</p> <p>24 understand that when the reporter to your</p>	<p style="text-align: right;">Page 17</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. Do you understand Mr. Kry to</p> <p>4 be your lawyer?</p> <p>5 A. Yes, I do.</p> <p>6 Q. He's your lawyer, too?</p> <p>7 A. Yes.</p> <p>8 MR. HAEFELE: Mr. Kry, do</p> <p>9 you represent the witness as well?</p> <p>10 MR. KRY: Yes, I do.</p> <p>11 BY MR. HAEFELE:</p> <p>12 Q. The other thing that I would</p> <p>13 want to make sure we're clear on is that</p> <p>14 when you're testifying today, I want you</p> <p>15 to not guess. If you don't know</p> <p>16 something, I want you to tell me you</p> <p>17 don't know something.</p> <p>18 But I want you to give your</p> <p>19 best recollection of things that I ask</p> <p>20 about, okay?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Mr. Khalifa, do you know a</p> <p>23 man named Omar Al Bayoumi?</p> <p>24 A. No.</p>

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<p>1 Q. You have never met Mr. Al 2 Bayoumi? 3 A. No. 4 Q. Do you know of a man named 5 Omar Al Bayoumi? 6 A. No, I don't. 7 Q. You've never heard of the 8 name before? 9 A. No. 10 Q. Do you have a sense as to 11 why you were called to be here today? 12 A. Yes. To witness the 13 recruitment process and how we do the 14 recruitment on this -- 15 MR. CARTER: It's hard to 16 hear the witness. Please keep 17 your voice up. 18 MR. HAEFELE: I'm having 19 trouble hearing you, so I know 20 other folks are having trouble. 21 THE WITNESS: I come here to 22 witness on the mechanism of the 23 process of the recruitment, how we 24 do the recruitment on the</p>	<p>1 Dallah Avco, the Dallah Avco recruitment 2 process. 3 MR. MCMAHON: Can we get him 4 some sort of microphone? 5 - - - 6 (Whereupon, a discussion off 7 the record occurred.) 8 - - - 9 VIDEO TECHNICIAN: The time 10 is now 8:47. Going off the 11 record. 12 - - - 13 (Whereupon, a brief recess 14 was taken.) 15 - - - 16 VIDEO TECHNICIAN: The time 17 is now 8:50. Back on the record. 18 BY MR. HAEFELE: 19 Q. Mr. Khalifa, I just want to 20 make sure that I'm clear and I understood 21 what you said a few moments ago. 22 You never heard of a man 23 named Omar Bayoumi? 24 MR. KRY: Objection. The</p>
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<p>1 employees that's being hired for 2 PCA, Presidency of Civil Aviation. 3 BY MR. HAEFELE: 4 Q. Do you understand that you 5 have been identified by Dallah Avco as a 6 witness, a potential witness, in the 7 litigation that we're all here about? 8 A. Yes, I do. 9 Q. Do you understand that 10 Dallah Avco has indicated that it may 11 have you testify in the case? 12 A. Yes. 13 Q. And what are the issues that 14 you understand that you are prepared to 15 testify or provide a declaration about? 16 MR. KRY: Objection. 17 BY MR. HAEFELE: 18 Q. Do you have some 19 understanding as to what testimony that 20 you will be called to testify on behalf 21 of Dallah Avco for? 22 A. I'm here to testify the 23 process, the recruitment process, how the 24 recruitment, because it was going on in</p>	<p>1 witness can answer that, but 2 should not discuss any 3 communications with counsel about 4 the case. 5 THE WITNESS: Yes. 6 MR. HAEFELE: Well, I do 7 want to know if he's had any 8 information imparted to him 9 about -- I don't want to know 10 about your dialogue with the 11 gentleman, but if he has 12 information about Omar Bayoumi, I 13 want to know that. 14 MR. KRY: Mr. Khalifa, you 15 can answer whether you've 16 discussed the topic of Omar Al 17 Bayoumi with your lawyers, but 18 don't say anything more about 19 those communications, okay? 20 THE WITNESS: Okay. I just 21 know from my lawyer about Omar 22 Bayoumi. 23 BY MR. HAEFELE: 24 Q. In a letter from Mr. Kry,</p>

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<p style="text-align: right;">Page 30</p> <p>1 time period, what was Dallah Avco's</p> <p>2 obligations under the ANSS contract?</p> <p>3 A. Dallah Avco's obligation is</p> <p>4 to fill the vacancies that's required by</p> <p>5 the ANSS project, through the project.</p> <p>6 The ANSS project is supposed</p> <p>7 to prepare the job descriptions and</p> <p>8 requirements for the need in each</p> <p>9 department. So our mission is to</p> <p>10 coordinate with our overseas recruiting</p> <p>11 agencies and find out that these people</p> <p>12 are available and set up the interview</p> <p>13 program and mobilization program.</p> <p>14 Q. And what did -- what did the</p> <p>15 ANSS project that Dallah Avco was</p> <p>16 involved in, what did it entail?</p> <p>17 A. Can you clear it again,</p> <p>18 please?</p> <p>19 Q. What was the purpose of the</p> <p>20 ANSS contract?</p> <p>21 A. ANSS project, Dallah Avco's</p> <p>22 obligation to the ANSS project is to</p> <p>23 select the proper manning that fits to</p> <p>24 execute the project that has been set by</p>	<p style="text-align: right;">Page 32</p> <p>1 Saudi Arabia?</p> <p>2 A. According to the need of</p> <p>3 PCA, they distribute the engineers to</p> <p>4 whatever airports they want them.</p> <p>5 Q. Was there any part of the</p> <p>6 ANSS contract that involved any employees</p> <p>7 doing any work in the United States?</p> <p>8 MR. KRY: Objection.</p> <p>9 Foundation.</p> <p>10 THE WITNESS: No. I don't</p> <p>11 understand. I don't know about</p> <p>12 this.</p> <p>13 BY MR. HAEFELE:</p> <p>14 Q. Was there any airport that</p> <p>15 any ANSS employee worked at that was in</p> <p>16 the United States?</p> <p>17 MR. KRY: Objection.</p> <p>18 Foundation.</p> <p>19 THE WITNESS: The airports</p> <p>20 are in the Kingdom. So we supply</p> <p>21 all the labor to work in the</p> <p>22 Kingdom.</p> <p>23 BY MR. HAEFELE:</p> <p>24 Q. Was there any reason, under</p>
<p style="text-align: right;">Page 31</p> <p>1 the ANSS program.</p> <p>2 Q. And the people who were</p> <p>3 working under the ANSS project, where did</p> <p>4 they work?</p> <p>5 A. They work in the ANSS</p> <p>6 project in PCA, Presidency of Civil</p> <p>7 Aviation, facilities or offices.</p> <p>8 Q. And where were those</p> <p>9 facilities and offices?</p> <p>10 A. They were assigned through</p> <p>11 the different airports and the head</p> <p>12 office of Jeddah.</p> <p>13 Q. So the head office --</p> <p>14 A. The PCA head office.</p> <p>15 Q. So the head office for PCA</p> <p>16 was in the Kingdom of Saudi Arabia in</p> <p>17 Jeddah?</p> <p>18 A. Yes, yes.</p> <p>19 Q. And where were the airports?</p> <p>20 A. Like Jeddah airport, Riyadh</p> <p>21 airport and Ta'if airport, different</p> <p>22 airports. I can't recall exactly right</p> <p>23 now.</p> <p>24 Q. Are all the airports in</p>	<p style="text-align: right;">Page 33</p> <p>1 the ANSS contract, for any of the people</p> <p>2 that you recruited to do any work inside</p> <p>3 the United States?</p> <p>4 MR. KRY: Objection. Lack</p> <p>5 of foundation.</p> <p>6 THE WITNESS: I don't</p> <p>7 understand. I don't understand</p> <p>8 this. Whether they do that in</p> <p>9 ANSS, the Presidency of Civil</p> <p>10 Aviation?</p> <p>11 MR. HAEFELE: Mr. Kry, can</p> <p>12 you explain what you're -- I'm</p> <p>13 trying to fix based on what your</p> <p>14 foundation is. I'm not sure what</p> <p>15 your foundation problem is.</p> <p>16 MR. KRY: Right. No</p> <p>17 foundation has been laid that Mr.</p> <p>18 Khalifa would have any knowledge</p> <p>19 about what employees working on</p> <p>20 the ANSS project are doing.</p> <p>21 BY MR. HAEFELE:</p> <p>22 Q. Mr. Khalifa, did you know</p> <p>23 what the people that you were recruiting</p> <p>24 were supposed to be doing once you</p>

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<p>1 recruited them?</p> <p>2 A. Once we recruit them, we</p> <p>3 give them to the ANSS project. And the</p> <p>4 PCA is the one who knows where they work,</p> <p>5 what they work and what -- they evaluate</p> <p>6 them.</p> <p>7 They are under the full</p> <p>8 authority of the Presidency of Civil</p> <p>9 Aviation. So the Civil Aviation</p> <p>10 Authority would know whether -- where</p> <p>11 they work and what is their quality and</p> <p>12 what is their capabilities and what is</p> <p>13 their input, because they are their</p> <p>14 employees.</p> <p>15 Q. And is that true, to your</p> <p>16 knowledge, of all of the employees that</p> <p>17 came in through Dallah Avco?</p> <p>18 A. Yes. Those who worked</p> <p>19 for -- overseas, they are coming</p> <p>20 through -- from Dallah Avco to work for</p> <p>21 ANSS project.</p> <p>22 Q. And is that any different,</p> <p>23 to your knowledge, with regard to folks</p> <p>24 who weren't recruited from overseas but</p>	<p>1 from Saudi Arabia as opposed to those who</p> <p>2 were overseas?</p> <p>3 MR. KRY: Objection. Vague.</p> <p>4 Do you understand the</p> <p>5 question?</p> <p>6 THE WITNESS: Yes, I do.</p> <p>7 In the -- our understanding</p> <p>8 is that we have to make sure that</p> <p>9 we recruit the person that matches</p> <p>10 the job descriptions set by the</p> <p>11 PCA -- by the ANSS project. And</p> <p>12 we make sure that he have the</p> <p>13 required criteria, such as</p> <p>14 educational qualifications and the</p> <p>15 work experiences that match the</p> <p>16 job description set by the ANSS</p> <p>17 program.</p> <p>18 We make sure that the</p> <p>19 candidates have what the -- the</p> <p>20 certificates, which is -- which he</p> <p>21 have worked, where he graduated</p> <p>22 from. And we verify that this is</p> <p>23 true and correct.</p> <p>24 BY MR. HAEFELE:</p>
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<p>1 came from Saudi Arabia?</p> <p>2 A. They came from overseas to</p> <p>3 work in Saudi Arabia.</p> <p>4 MR. KRY: Objection to the</p> <p>5 form of the question.</p> <p>6 BY MR. HAEFELE:</p> <p>7 Q. Was there anybody who was</p> <p>8 recruited by Dallah Avco to work on the</p> <p>9 ANSS project in a capacity that involved</p> <p>10 working in the United States of America?</p> <p>11 MR. KRY: Objection. Lack</p> <p>12 of foundation. And form.</p> <p>13 THE WITNESS: I wouldn't</p> <p>14 know.</p> <p>15 BY MR. HAEFELE:</p> <p>16 Q. When it comes to the first</p> <p>17 issue that Mr. Kry indicated you would be</p> <p>18 prepared to talk about, Dallah Avco's</p> <p>19 performance of its obligations under the</p> <p>20 ANSS contract, do you have any</p> <p>21 information with regard to how those</p> <p>22 performance -- how that performance may</p> <p>23 have been done or the obligations of the</p> <p>24 contract with regard to people who were</p>	<p>1 Q. And are all of the job</p> <p>2 descriptions, descriptions of jobs either</p> <p>3 at airports or at the headquarters for</p> <p>4 the PCA?</p> <p>5 A. All the job descriptions</p> <p>6 that set on the agreement, on the</p> <p>7 contract that's been signed by the PCA</p> <p>8 and Dallah Avco, which is -- I mean, the</p> <p>9 ANSS project and Dallah Avco.</p> <p>10 So at the beginning of the</p> <p>11 project, they give you the job</p> <p>12 description, the total money of the</p> <p>13 program, and the mobilization time, the</p> <p>14 mobilization schedule; when do you have</p> <p>15 to mobilize certain engineers and when do</p> <p>16 you have to mobilize.</p> <p>17 Then once you bring the</p> <p>18 candidates, the candidates are under the</p> <p>19 full responsibility of Presidency of</p> <p>20 Civil Aviation, which is ANSS project.</p> <p>21 So ANSS project decides which -- where to</p> <p>22 assign him and which position to give</p> <p>23 him.</p> <p>24 Q. One of the other issues that</p>

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<p>1 Mr. Kry indicated you would be prepared 2 to talk about is the -- again, the lack 3 of direction over ANSS employees. 4 Did your job, during the 5 time period '94 through 2002, put you in 6 a position where you came to understand 7 that Dallah Avco did not direct ANSS 8 employees? 9 MR. KRY: Objection to the 10 form of the question. 11 Do you understand the 12 question? 13 THE WITNESS: Yes. 14 The Dallah Avco 15 responsibility in my department is 16 to make sure that this gentleman 17 has been recruited according to 18 the job descriptions. And then 19 once he passes a probation period, 20 our responsibility ends. 21 Because within the probation 22 period, they can terminate the 23 candidate if he doesn't match the 24 requirement or they don't find him</p>	<p>1 or didn't supervise an employee under the 2 ANSS contract if the person was from 3 inside of Saudi Arabia? 4 MR. KRY: Objection. 5 Misstates the testimony. And also 6 objection to form. 7 THE WITNESS: No, I don't. 8 BY MR. HAEFELE: 9 Q. Do you know whether or not 10 the job descriptions for employees 11 differed depending on whether the 12 employee was from inside the U.S. or from 13 outside -- I'm sorry, from inside the 14 Kingdom of Saudi Arabia or from outside 15 the Kingdom of Saudi Arabia? 16 MR. KRY: Objection. Lack 17 of foundation. 18 THE WITNESS: I don't know 19 whether the -- what the job 20 descriptions said is very clear, 21 so we can try to source a suitable 22 candidate to meet the requirement. 23 BY MR. HAEFELE: 24 Q. Are you familiar with a job</p>
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<p>1 qualified. Then we have to 2 replace the candidate. 3 BY MR. HAEFELE: 4 Q. And how would that apply to 5 somebody like Mr. Bayoumi, who I will 6 tell you was from Saudi Arabia and not 7 from overseas? 8 MR. KRY: Objection to the 9 form. 10 THE WITNESS: I wouldn't 11 know for any local recruit that 12 the Presidency of Civil Aviation, 13 they do, because they do their own 14 selection, their own -- but what 15 we do in our department is for all 16 the overseas recruits, we prepare 17 their visas, prepare their 18 contracts, prepare their 19 documentations to come to the 20 Kingdom. 21 BY MR. HAEFELE: 22 Q. So is it the case that you 23 don't know whether or not Dallah Avco 24 directed or did not direct or supervise</p>	<p>1 description for a position called senior 2 data processing technician? 3 A. I wouldn't recall that -- 4 that phrase. I would have to go back to 5 the job description. I can't remember. 6 Q. Are you familiar with a 7 title called senior data processing 8 technician? 9 A. There's a title like that 10 but I can't recall the job description, 11 no. 12 Q. Can you tell me generally 13 anything that you recall about what the 14 position of a senior data processing 15 technician would be called to do? 16 A. I can't recall now. I have 17 to go back to the job descriptions. 18 Q. Do you know a position with 19 the title PCA/AE budget coordinator? 20 A. No. 21 Q. Do you know what a budget 22 coordinator would do? 23 A. I wouldn't know just like 24 that. But if I read the job</p>



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<p>1 study and we make sure that this</p> <p>2 candidates will be available. And then</p> <p>3 based on that, we make a report on how</p> <p>4 many visas we'll be able to request to</p> <p>5 mobilize these people and to make the</p> <p>6 recruitment.</p> <p>7 Q. What is the interest in</p> <p>8 recruiting people from overseas?</p> <p>9 MR. KRY: Objection to form</p> <p>10 and lack of foundation.</p> <p>11 THE WITNESS: That's the</p> <p>12 requirement of the ANSS project.</p> <p>13 So our department is to fill the</p> <p>14 positions.</p> <p>15 BY MR. HAEFELE:</p> <p>16 Q. Did the people that you</p> <p>17 recruited become employees of Dallah</p> <p>18 Avco?</p> <p>19 A. They are the employees of</p> <p>20 ANSS project. And Dallah Avco only</p> <p>21 process their documentation, their</p> <p>22 salaries, their benefits. But they are</p> <p>23 under the policy and procedures set by</p> <p>24 the Presidency of Civil Aviation.</p>	<p>1 their documentation and process</p> <p>2 their payroll, their leave, their</p> <p>3 vacation. So all the policies and</p> <p>4 procedures, they follow the</p> <p>5 procedures set by ANSS project, by</p> <p>6 PCA.</p> <p>7 BY MR. HAEFELE:</p> <p>8 Q. Dallah Avco processed their</p> <p>9 payroll, you said, correct?</p> <p>10 A. Yes.</p> <p>11 Q. Where did the money that was</p> <p>12 used to pay the payroll come from?</p> <p>13 A. We know the project, Dallah</p> <p>14 Avco, how -- where they get -- they get,</p> <p>15 of course, definitely they would get from</p> <p>16 the ANSS project. And the ANSS project</p> <p>17 there is payment, of course.</p> <p>18 Q. And where does the money</p> <p>19 from the ANSS project come from?</p> <p>20 A. From the ANSS. I don't know</p> <p>21 how they get it, where they get it from.</p> <p>22 The contract is signed with</p> <p>23 ANSS under the Presidency of Civil</p> <p>24 Aviation, so whatever the contract says,</p>
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<p>1 And we do that briefing</p> <p>2 during the recruitment. So we give them</p> <p>3 an orientation, that the project that</p> <p>4 they'll be working is for ANSS project</p> <p>5 and not a direct employee of Dallah Avco.</p> <p>6 Q. And are you aware, if</p> <p>7 someone were to approach somebody working</p> <p>8 under the ANSS project that you had</p> <p>9 recruited, would they identify themselves</p> <p>10 as a PCA employee or would they identify</p> <p>11 themselves as a Dallah Avco employee, or</p> <p>12 how would they identify themselves?</p> <p>13 MR. KRY: Objection to form.</p> <p>14 Lack of foundation and</p> <p>15 speculation.</p> <p>16 THE WITNESS: They are told</p> <p>17 that they are an employee of ANSS</p> <p>18 and they work for ANSS and they</p> <p>19 follow the policies and procedures</p> <p>20 set by the ANSS. And their time</p> <p>21 schedule, and their mobilization,</p> <p>22 their work schedule has been set</p> <p>23 by ANSS.</p> <p>24 So Dallah Avco only process</p>	<p>1 Dallah Avco gets their payment</p> <p>2 accordingly.</p> <p>3 Q. So would it be fair to say</p> <p>4 that the entity that pays for the</p> <p>5 contract is the entity that provided the</p> <p>6 money?</p> <p>7 MR. KRY: Objection to form.</p> <p>8 Did you understand that</p> <p>9 question?</p> <p>10 THE WITNESS: Come again?</p> <p>11 Can you explain it again, please?</p> <p>12 BY MR. HAEFELE:</p> <p>13 Q. Would it be fair to say that</p> <p>14 the entity that pays for the ANSS</p> <p>15 contract is the entity that's paying for</p> <p>16 the payroll?</p> <p>17 MR. KRY: Objection to form.</p> <p>18 THE WITNESS: Not the</p> <p>19 payroll. I mean, in general, the</p> <p>20 obligation -- Dallah Avco have got</p> <p>21 obligations to fulfill. And for</p> <p>22 the fulfillment of the obligations</p> <p>23 that they have, they have to be</p> <p>24 paid. And what is the payment</p>



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<p>1 criteria, I wouldn't know that.</p> <p>2 BY MR. HAEFELE:</p> <p>3 Q. Would it be fair to say that</p> <p>4 your recruitment involved finding people</p> <p>5 to fill roles for the PCA that the PCA</p> <p>6 couldn't fill themselves?</p> <p>7 A. No, it is not PCA couldn't</p> <p>8 fill it themselves. It is the -- the</p> <p>9 contract is that they appoint Dallah Avco</p> <p>10 to do all recruitment for the ANSS</p> <p>11 program.</p> <p>12 Q. Why are you recruiting only</p> <p>13 from overseas?</p> <p>14 A. Because the requirement is</p> <p>15 we have to -- will have certain positions</p> <p>16 to be filled for -- to do the job and</p> <p>17 this job, those criterias, are required</p> <p>18 by PCA to bring them from outside, from</p> <p>19 overseas. That's the agreement of Dallah</p> <p>20 Avco.</p> <p>21 Q. So what is the purpose of</p> <p>22 the criteria for finding people from</p> <p>23 overseas?</p> <p>24 A. To execute their job, their</p>	<p>1 anybody that they would be working</p> <p>2 outside the Kingdom of Saudi Arabia?</p> <p>3 A. No. No. To the contrary,</p> <p>4 we tell them that you will be strictly</p> <p>5 working for the ANSS program for under</p> <p>6 the PCA. And you're not supposed to work</p> <p>7 for any other employer in the Kingdom.</p> <p>8 They can't work outside the Kingdom,</p> <p>9 within the Kingdom, even. They can't</p> <p>10 work for any other company.</p> <p>11 They can only dedicated for</p> <p>12 this project. They're not supposed to</p> <p>13 work any other -- after their work or</p> <p>14 during the work, they cannot sign any</p> <p>15 agreement with any other entity as well.</p> <p>16 Q. Who was supervising the work</p> <p>17 of the people that were working on the</p> <p>18 ANSS project?</p> <p>19 A. They have their management</p> <p>20 team. And each department has their own</p> <p>21 supervision, definitely. The PCA.</p> <p>22 Q. The PCA?</p> <p>23 A. Yes, PCA, their scope of</p> <p>24 work they design.</p>
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<p>1 program.</p> <p>2 Q. Why from overseas?</p> <p>3 MR. KRY: Objection to form.</p> <p>4 THE WITNESS: From where</p> <p>5 they bring them, then? If they</p> <p>6 have a local, they will just do</p> <p>7 their own way, they won't go back</p> <p>8 to our department and call for</p> <p>9 candidates to bring.</p> <p>10 BY MR. HAEFELE:</p> <p>11 Q. The purpose of the PCA</p> <p>12 authority, it's an authority within the</p> <p>13 Kingdom of Saudi Arabia that oversees the</p> <p>14 maintenance and operation of airports</p> <p>15 within the Kingdom?</p> <p>16 A. Yes.</p> <p>17 Q. Does it oversee the</p> <p>18 maintenance and operation of airports</p> <p>19 anywhere outside of the Kingdom?</p> <p>20 A. Not to my knowledge.</p> <p>21 Because the labor, the employees that we</p> <p>22 had them, we tell them that you will be</p> <p>23 working in the Kingdom of Saudi Arabia.</p> <p>24 Q. And did you ever tell</p>	<p>1 Q. Are you aware of any work</p> <p>2 that Dallah Avco did inside the U.S.?</p> <p>3 A. No.</p> <p>4 Q. And in any work that you did</p> <p>5 with Dallah Avco, did you place anybody</p> <p>6 inside the U.S.?</p> <p>7 A. No.</p> <p>8 Q. Are you aware -- I'm sorry,</p> <p>9 strike that.</p> <p>10 Are you aware of any</p> <p>11 procedures related to seconding employees</p> <p>12 from entities within the Kingdom of Saudi</p> <p>13 Arabia to the ANSS project?</p> <p>14 A. I am not aware about that.</p> <p>15 What we are aware is we just do a direct</p> <p>16 hire from whatever we bring them, and</p> <p>17 they are the employee of ANSS project.</p> <p>18 Q. Just to be clear, the ANSS</p> <p>19 project is a project of the PCA?</p> <p>20 A. Yes, sir.</p> <p>21 The name of the project is</p> <p>22 ANSS but under the Presidency of Civil</p> <p>23 Aviation.</p> <p>24 Q. And would it be fair to say</p>

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<p style="text-align: right;">Page 58</p> <p>1 that Dallah Avco essentially becomes pay 2 masters for the people who are on the 3 ANSS project; in other words, they are 4 paying -- doing the processing of the 5 payment for the ANSS project? 6 A. Can you clear it again, 7 please? 8 Q. Probably not. 9 Would it be fair to say that 10 Dallah Avco was essentially the pay 11 master on behalf of the PCA to pay the 12 people who were doing the work under the 13 ANSS project? 14 MR. KRY: Objection the 15 form. 16 Do you understand the term 17 "pay master"? 18 THE WITNESS: Pay master? 19 MR. KRY: Do you want to 20 rephrase that? 21 BY MR. HAEFELE: 22 Q. They process the payments on 23 behalf of the PCA? 24 A. The ANSS, the Dallah Avco</p>	<p style="text-align: right;">Page 60</p> <p>1 And even for firing, for 2 evaluation, for moving the position, 3 upgrading, promotions, all done by 4 PCA/ANSS project. 5 Q. Is it fair to say that all 6 the decisions about the employees get 7 made from the PCA and that Dallah Avco 8 merely facilitates those decisions? 9 A. Yes. 10 Q. Did Dallah Avco have 11 authority on its own to give the people 12 working under the ANSS project 13 promotions? 14 A. No. 15 Q. Those decisions would be 16 made by PCA? 17 A. By PCA, and they have to be 18 supported by a document to promote him 19 from this position to this position and 20 to raise his salaries or benefits from 21 this position to this level. 22 Q. So those decisions, whether 23 it's about benefits, salary -- 24 A. Yes.</p>
<p style="text-align: right;">Page 59</p> <p>1 pays all their salaries and benefits. 2 And when we contract them, we sign -- we 3 give them the terms and conditions that's 4 been set and agreed and approved by both 5 ANSS and Dallah Avco. 6 And then they come in with a 7 certain grade and certain salary and 8 certain benefits, and this is what the 9 Dallah Avco would be obliged to pay that 10 candidate. It doesn't matter whether 11 Dallah Avco get paid by ANSS the revenue 12 from this or not. That monthly you have 13 to pay his salaries and benefits. 14 Q. Does the PCA have any 15 authority with regard to who gets hired? 16 A. Yes. They have the final 17 authority. Dallah Avco cannot hire or 18 cannot place a person or a candidate if 19 it's not been approved by PCA. 20 Q. And is the same true for 21 firing -- 22 A. Yes. 23 Q. -- a recruit? 24 A. Yes.</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. -- promotions, hiring, 2 firing, all those decisions -- 3 A. Yes. 4 Q. -- were made by the PCA? 5 A. And the evaluation is being 6 done by PCA. 7 Q. Were there time sheets that 8 were kept by the employees under the ANSS 9 project? 10 A. Exactly, I wouldn't know. 11 But, of course, they may have time 12 sheets. That could be their internal 13 policy in the PCA, to trace their 14 attendance, maybe they have a system of 15 time sheet, or they have electronic 16 system within the PCA. I wouldn't 17 remember that. 18 But what we understand is 19 that we make sure that he gets paid and 20 his daily working hours is, like, eight 21 hours a day, six days a week or five days 22 a week. 23 - - - 24 (Whereupon, Exhibit</p>

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<p>1 Q. I want to make sure I'm 2 understanding what you're saying. 3 If it's a local candidate, 4 ANSS does it on its own without Dallah 5 Avco; is that right? 6 A. They just do their selection 7 and interview, and they can tell to 8 Dallah Avco that they want to place this 9 person to -- on their payroll. 10 Q. And it would not involve 11 Dallah Avco in that circumstance? 12 A. Dallah Avco would pay their 13 salaries per the instructions of the PCA. 14 Q. Would the performance of the 15 obligations of the -- under the ANSS 16 contract be any different for people that 17 came in to work under the contract if 18 they were from the Kingdom versus not 19 from the Kingdom? 20 MR. KRY: Objection to form. 21 THE WITNESS: Can you clear 22 it again, more, please? 23 BY MR. HAEFELE: 24 Q. Well, the topic that you've</p>	<p>1 process their documentations and 2 put them on their payroll system. 3 BY MR. HAEFELE: 4 Q. Can I ask you to look back 5 at Exhibit-72, Khalifa-72, please? 6 You started to talk about 7 the second item on there, and I 8 interrupted you. 9 Can you tell me what you had 10 to say about the second item on there? 11 A. I was going to say that I 12 don't know about -- 13 MR. KRY: Objection to form. 14 THE WITNESS: -- Number 2. 15 And Number 3 I wouldn't know. 16 BY MR. HAEFELE: 17 Q. Number 2 is, Dallah Avco's 18 lack of direction and supervision over 19 ANSS employees such as Omar Al Bayoumi? 20 A. I don't know. 21 MR. KRY: Objection. When 22 he says "lack of direction," that 23 means "absence of direction." 24 Do you know the term "lack"?</p>
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<p>1 been called to testify about is Dallah 2 Avco's performance of its obligations 3 under the ANSS contract. 4 What I'm trying to find out 5 is, does that testimony change whether 6 the person who is performing is a Kingdom 7 resident versus a non-Kingdom resident? 8 MR. KRY: Objection to form. 9 THE WITNESS: The person 10 that has been recruited, they have 11 to be a resident. And to have a 12 resident from overseas, we have 13 certain visas that will make him 14 have the proper residency permit. 15 We make sure that he gets that 16 residency permit, Dallah Avco. 17 And if he can't get the 18 residence permit, that means he 19 can't be in the program. So for 20 any overseas, they have to have a 21 residence permit. 22 But for any local, say we 23 hire any person and they send to 24 Dallah Avco to process them, only</p>	<p>1 Do you understand what the word 2 means? 3 Could you please just 4 rephrase? 5 BY MR. HAEFELE: 6 Q. What information would you 7 have to testify about regarding the issue 8 of Dallah Avco not being in a position to 9 direct or supervise ANSS employees who 10 are residents of the Kingdom of Saudi 11 Arabia? 12 MR. KRY: Objection to form. 13 THE WITNESS: Dallah Avco 14 have no authority on deciding 15 whether this candidate to be in 16 the program or not to be in the 17 program. 18 The full authority is on the 19 Presidency of Civil Aviation. So 20 they do their own selection, and 21 they take full responsibility of 22 the candidates that they have. 23 BY MR. HAEFELE: 24 Q. And based on what you</p>

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<p>1 indicated earlier, would it be fair to</p> <p>2 say that, regardless of whether the</p> <p>3 person is a Kingdom resident or not a</p> <p>4 Kingdom resident, the people who were</p> <p>5 ANSS employees, Dallah Avco did not</p> <p>6 provide supervision over those employees?</p> <p>7 A. Yes.</p> <p>8 Q. That's correct?</p> <p>9 A. Yes.</p> <p>10 Q. And they didn't provide</p> <p>11 direction to those employees either?</p> <p>12 A. They can't give any</p> <p>13 directions. Any directions of the job</p> <p>14 nature has got to be given by the ANSS</p> <p>15 program.</p> <p>16 Q. And the third topic that's</p> <p>17 listed on Mr. Kry's letter, or e-mail,</p> <p>18 is, Dallah Avco's lack of knowledge</p> <p>19 regarding Omar Al Bayoumi's activities in</p> <p>20 the U.S.</p> <p>21 What information do you</p> <p>22 have, if anything, on that topic?</p> <p>23 A. I don't have any</p> <p>24 information.</p>	<p>1 know.</p> <p>2 BY MR. HAEFELE:</p> <p>3 Q. Is there any part of the</p> <p>4 ANSS project that would require an ANSS</p> <p>5 employee to be physically present in the</p> <p>6 United States?</p> <p>7 MR. KRY: Objection. Lack</p> <p>8 of foundation.</p> <p>9 THE WITNESS: It should be</p> <p>10 in the Kingdom, and they have to</p> <p>11 be paid according to his time</p> <p>12 sheet, whether they have their</p> <p>13 system, if they have a system of</p> <p>14 time sheets.</p> <p>15 And I don't think it would</p> <p>16 be able to work overseas. I mean,</p> <p>17 he is recruited for that job to</p> <p>18 work in the Kingdom, unless he's</p> <p>19 been given a temporary job to go</p> <p>20 and come back, or whatever, that</p> <p>21 he's been assigned.</p> <p>22 BY MR. HAEFELE:</p> <p>23 Q. Was there any part of the</p> <p>24 ANSS project that would entail an ANSS</p>
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<p>1 Q. Do you have any information</p> <p>2 as to why the Kingdom's PCA would second</p> <p>3 an employee to the ANSS project as</p> <p>4 opposed to just paying the employee</p> <p>5 directly to do the work?</p> <p>6 MR. KRY: Objection to form.</p> <p>7 And lack of foundation.</p> <p>8 THE WITNESS: We don't work</p> <p>9 on secondment. We work on direct</p> <p>10 hire. We hire the candidate and</p> <p>11 we make sure that he is within the</p> <p>12 program to fill the position. So</p> <p>13 we don't recruit people on</p> <p>14 secondment.</p> <p>15 BY MR. HAEFELE:</p> <p>16 Q. Do you have any</p> <p>17 information -- strike that.</p> <p>18 Do you know why the PCA</p> <p>19 would second a PCA employee to work on</p> <p>20 the ANSS project as opposed to just</p> <p>21 paying the employee who is already a PCA</p> <p>22 employee?</p> <p>23 MR. KRY: Objection to form.</p> <p>24 THE WITNESS: I wouldn't</p>	<p>1 employee to perform work in the United</p> <p>2 States over a period of years?</p> <p>3 MR. KRY: Objection. Lack</p> <p>4 of foundation.</p> <p>5 THE WITNESS: No.</p> <p>6 BY MR. HAEFELE:</p> <p>7 Q. Are you aware of any PCA</p> <p>8 employees who were seconded to the ANSS</p> <p>9 project?</p> <p>10 A. No.</p> <p>11 Q. Are you aware of any PCA</p> <p>12 employees who were seconded to Dallah</p> <p>13 Avco?</p> <p>14 A. No.</p> <p>15 Q. Are you aware of any Dallah</p> <p>16 Avco employees who performed any work in</p> <p>17 the United States?</p> <p>18 A. No.</p> <p>19 Q. Are you aware of any ANSS</p> <p>20 employees who performed any work in the</p> <p>21 United States?</p> <p>22 A. No.</p> <p>23 MR. HAEFELE: Let's take a</p> <p>24 few.</p>

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<p style="text-align: right;">Page 90</p> <p>1 officer. That means once they make sure 2 that this candidate is on the pipeline 3 and he's arriving, that you have to 4 inform the program that this candidate is 5 in the process and he is coming, he's 6 scheduled to be on this date. 7 So they have to coordinate 8 his accommodation, coordinate the 9 accommodation, the housing, the 10 facilities, the reception, the 11 orientation under that -- the induction 12 training program. 13 Q. Any other titles for any of 14 the other Dallah Avco employees? 15 A. That's all. That's all. 16 Q. Were any of those Dallah 17 Avco employees that you just mentioned, 18 any of those job categories involve doing 19 work inside the United States? 20 A. No. 21 Q. Were all of those Dallah 22 Avco employees located physically in the 23 Kingdom of Saudi Arabia? 24 A. Yes.</p>	<p style="text-align: right;">Page 92</p> <p>1 A. No. 2 Q. No? 3 Do you have any knowledge of 4 the secondment practices for seconding 5 employees from the PCA to Dallah Avco for 6 employment as a Dallah Avco employee? 7 A. No, I don't know. 8 Q. Are you aware of anybody 9 that was seconded from the PCA to become 10 a Dallah Avco employee? 11 A. No, I wouldn't know. 12 Q. The job of recruiting, how 13 did the recruiters at Dallah Avco who 14 worked for you, or, I guess -- you 15 managed the recruiters, correct? 16 A. Yes, yes. 17 Q. And the recruiters that you 18 managed -- strike that. 19 Did you do any recruiting 20 yourself? 21 A. Yes. 22 Q. All right. When you 23 recruited, how did you go about doing 24 that?</p>
<p style="text-align: right;">Page 91</p> <p>1 Q. Did Dallah Avco have people 2 who worked for Dallah Avco who held the 3 title of a data processing technician? 4 A. No. 5 Q. Was there a title of a 6 position within Dallah Avco titled budget 7 coordinator? 8 A. No. 9 Q. Was there a title within 10 Dallah Avco for a position called a DSS 11 programmer? 12 A. No. 13 Q. Was there a title within 14 Dallah Avco of a configuration specialist 15 or config specialist? 16 A. No. 17 Q. Or assistant config 18 specialist? 19 A. No. 20 Q. Was there a title of a 21 position within Dallah Avco called 22 contract specialist? 23 A. No. 24 Q. Pardon me?</p>	<p style="text-align: right;">Page 93</p> <p>1 A. Okay. We have recruiting 2 agencies who represents us all over, 3 whether in Asia, whether in Europe. And 4 then what we do is when we receive the 5 requisition to be filled, this vacant 6 positions from the ANSS program, then we 7 receive them with all the job 8 description. 9 And then we advise our 10 recruiting agencies to advertise, whether 11 in paper or whether in media or any other 12 means. They have to -- their obligation, 13 the representative agencies that they 14 work with us, is to select the candidates 15 and short list the candidates and send 16 the CVs. And sending the CV, we verify 17 them and we submit them to Presidency of 18 Civil Aviation for approval, formal 19 approval. 20 In certain cases, to shorten 21 the processing time frame, because back 22 and forth of the CVs, it was taking a 23 long time and we started losing 24 candidates. So Dallah Avco, we</p>



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<p>1 recommended to ANSS program, for any 2 recruitment trips, if they can send their 3 own delegates to do the selection and 4 interview and then on the spot they give 5 us, this candidate meets the requirement 6 and is qualified to do the job, so we 7 save time and we don't lose the 8 candidates as well. 9 Q. I'm not sure I heard the 10 last part there. 11 You indicated that you had 12 some local agencies in Asia and Europe, 13 you said? 14 A. Yes. 15 Q. Did you have local agencies 16 in the United States? 17 A. We had an agency in the 18 United States. 19 Q. And where was the agency in 20 the United States located? 21 A. I think it was in Texas. 22 Q. What was that agency? 23 A. Avco International. 24 Q. And what did Avco</p>	<p>1 with the ANSS program. 2 Q. Did Dallah Avco have any 3 role in creating Avco International? 4 A. No. 5 Q. Did Dallah Avco have any 6 interest in Avco International? 7 A. No. 8 Q. Was there any involvement 9 with the running of Avco International by 10 individuals who were officers of Dallah 11 Avco? 12 A. No. It is a recruiting 13 agency. It's a recruiting section. They 14 just do recruitment. And then they meet 15 our requirements. That's all. They just 16 advertise on behalf of Dallah Avco and 17 they line up the candidates and they send 18 a CV 19 Q. Do you know how it came to 20 be that Dallah Avco had the name "Avco" 21 in its name and Avco International had 22 the name "Avco" in its name? 23 A. I don't know. But it could 24 be -- it's a recruiting company, like any</p>
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<p>1 International do? 2 A. They just advertise the 3 positions that we tell them and they 4 short list the candidates, and they send 5 us the CVs that match with the job 6 description. 7 Q. And what were the job 8 positions of the people who worked for 9 Avco International called? What title 10 did they hold, if you know? 11 A. I would not know. But this 12 is recruiting company, so they do 13 recruitment. What job titles they hold, 14 I couldn't remember. 15 Q. And what's the relationship, 16 during the period from 1994 to 2002, what 17 relationship did Avco International have 18 with Dallah Avco? 19 A. I wouldn't recall the dates 20 exactly, but the relations was if we have 21 to send them a requisition to fill, then 22 that's the time -- the period of 23 duration, during the time of filling the 24 positions, they had obliging Dallah Avco</p>	<p>1 other recruiting company. The Avco 2 International was doing only recruitment. 3 Q. When you did recruiting, did 4 you travel overseas? 5 A. Yes. 6 Q. How often? 7 A. According to the job 8 requirements. I can't remember exactly 9 how many times, but many times. 10 Q. And was it something that 11 you would travel only for a short period 12 and then return? 13 A. Yes. 14 Q. Was there ever any instance 15 where you -- what was the longest period 16 of time that you stayed in any one 17 particular location when you traveled? 18 A. It depends on the number of 19 categories. Mainly to take a long time 20 in the Asian side, where you have so many 21 candidates applying and then you have to 22 review all the CVs., and then you have to 23 call the candidates, you have to do this. 24 That takes time.</p>

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<p>1 THE WITNESS: I wouldn't 2 know, because our concern is to 3 fill the vacancy slots. So if Mr. 4 Bayoumi was a local employee and 5 he was a government employee, we 6 wouldn't know to the procedure of 7 the government transactions, how 8 they handled their employees to 9 move them from department to 10 department. I wouldn't know this. 11 Because what we know is if 12 we had a certain person from 13 Philippines and they want to 14 transfer him from department to 15 department, we just change the 16 department, the billing -- for 17 billing purpose for the overhead 18 purpose. That's all. 19 BY MR. HAEFELE: 20 Q. So that I'm clear, you would 21 not know -- 22 A. Yes. 23 Q. -- because it's different 24 from the recruiting that you did?</p>	<p>1 (Whereupon, a brief recess 2 was taken.) 3 - - - 4 MR. KRY: Before we go on 5 the record, I just wanted to note 6 one objection to the translation 7 of DA001357. 8 In the first full paragraph, 9 third line, it refers to the 10 phrase, Whose identity is shown 11 above to work in their company. 12 And we believe the correct 13 translation should be, To work 14 with them. 15 MR. HAEFELE: Where is it? 16 To work -- 17 MR. KRY: With them. 18 VIDEO TECHNICIAN: The time 19 is now 11:46. Back on the record. 20 - - - 21 EXAMINATION 22 - - - 23 BY MR. KRY: 24 Q. Thank you. Mr. Khalifa,</p>
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<p>1 A. Yes. 2 MR. KRY: Objection. Form. 3 BY MR. HAEFELE: 4 Q. Right? 5 A. It's different. We don't do 6 this recruitment. 7 MR. HAEFELE: I don't have 8 anything else. I don't know if my 9 colleagues do, but I don't. 10 Thank you, Mr. Khalifa. 11 MR. KRY: We will have some 12 questions, probably, for the 13 witness. 14 MR. HAEFELE: Excuse me? 15 MR. KRY: We will probably 16 have some questions by way of 17 clarification for the witness. 18 But let's take a break. 19 MR. CARTER: Yes, take a 20 break. Go ahead. 21 VIDEO TECHNICIAN: The time 22 is now 11:25. Going off the 23 record. 24 - - -</p>	<p>1 just a few questions to clarify. 2 Do you recall meeting with 3 your attorneys, including me, earlier 4 this week? 5 A. Yes. 6 Q. During that meeting, were 7 you asked by your attorneys to review 8 certain documents? 9 A. Yes. 10 Q. And when you were asked this 11 morning about whether you had reviewed 12 any documents in preparation for this 13 case, did you understand that question to 14 mean any documents other than the ones 15 you reviewed with your attorneys? 16 A. Yes. 17 Q. Mr. Khalifa, you testified 18 today about your understanding of the 19 process for recruitment of overseas hires 20 for the ANSS project. 21 Could you just explain 22 briefly what your understanding was of 23 the process for recruitment of local 24 hires for the ANSS project?</p>



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<p style="text-align: right;">Page 126</p> <p>1 A. Okay. In the recruitment of 2 the local hire, actually, it doesn't come 3 to my department or my section for 4 recruitment. Because we base it only to 5 overseas recruitment. 6 And the Presidency of Civil 7 Aviation have the full right to hire any 8 position that they want to hire locally, 9 with the local Saudis or any other 10 categories as well. 11 So in this process, if we 12 are doing the recruitment process 13 overseas, certain engineer we are 14 processing from certain country, and then 15 if the Presidency of Civil Aviation, they 16 find a candidate their own way and they 17 want to fill this position, that's the 18 note that comes to us from Mr. Bogary or 19 Mr. Samir, to stop proceeding on the 20 recruitment of this candidate because PCA 21 have already secured a local candidate. 22 And PCA have the full 23 authority to recruit on the local 24 recruits, and they have also a full</p>	<p style="text-align: right;">Page 128</p> <p>1 A. In our understanding is the 2 Presidency of Civil Aviation, they can 3 hire a candidate. But it reflects to the 4 overseas recruitment, and we don't 5 proceed with the candidate because they 6 can fill any other positions locally if 7 they want. 8 Q. And are you aware of any 9 instances where you were in the process 10 of recruiting somebody from overseas for 11 a given position and you were informed by 12 the PCA that that position had been 13 filled by a local hire? 14 A. Yes. We receive some 15 incidents, but we don't have the 16 authority to ask them why. 17 Q. So what happened in those 18 instances? 19 A. They just proceed with their 20 own process, and we stop the candidates 21 that's been selected from overseas to 22 come to the Kingdom. 23 Q. You testified earlier about 24 the salary and benefit payments that</p>
<p style="text-align: right;">Page 127</p> <p>1 authority to -- to hire any person. 2 Within the contract of ANSS, 3 there is a program called The 4 Authorization Program. And any person 5 that's been recruited by the Presidency 6 of Civil Aviation, they have the 7 authority to hire any number that they 8 want, because they have to meet a certain 9 Saudi organization level program. So we 10 don't have any objection on hiring any 11 candidates. 12 So what we do is we have to 13 advise our recruiting agency if the 14 recruitment was going on farther and we 15 have already spent the money on to the 16 candidates, so then we compensate the 17 candidate if his process has been done 18 and his visa has been done, so we have to 19 stop, we cannot hire him. 20 Q. So to the extent any 21 recruitment was being done for local 22 hires, what is your understanding of who 23 was performing those recruitment 24 functions?</p>	<p style="text-align: right;">Page 129</p> <p>1 Dallah Avco processed in connection with 2 the ANSS project. 3 Is it your understanding 4 that Dallah Avco was reimbursed for those 5 payments? 6 MR. HAEFELE: Objection to 7 form. 8 THE WITNESS: Yes, of 9 course, the Dallah Avco get 10 reimbursed it. It is in the 11 program cost in general. 12 So the costing for every 13 billing -- it is like, one month's 14 billing program. So if you have 15 this man on the side, then you 16 start billing the ANSS program. 17 There is a billing process into 18 the contract, the general contract 19 of Dallah Avco with ANSS program. 20 So it would reflect on that one. 21 BY MR. KRY: 22 Q. And, to your understanding, 23 what entity was ultimately paying those 24 reimbursements to Dallah Avco?</p>

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<p>1 A. Come again?</p> <p>2 Q. As you understand it, who or</p> <p>3 what was paying those reimbursement</p> <p>4 payments to Dallah Avco?</p> <p>5 A. It was paid by ANSS program,</p> <p>6 by PCA, Presidency of Civil Aviation.</p> <p>7 There's a billing process that they do.</p> <p>8 Actually, every month or</p> <p>9 every quarter they submit their billing,</p> <p>10 and then they get paid.</p> <p>11 Q. You testified earlier about</p> <p>12 an entity called Avco Overseas that was</p> <p>13 based in Texas.</p> <p>14 Do you recall that?</p> <p>15 A. Yes.</p> <p>16 Q. To your knowledge, at any</p> <p>17 time between 1994 and 2002, was there any</p> <p>18 corporate affiliation between Dallah Avco</p> <p>19 and Avco Overseas?</p> <p>20 A. No. The only thing is that</p> <p>21 the Avco Overseas was only involved into</p> <p>22 recruitment. If they had any other</p> <p>23 activities, I wouldn't know.</p> <p>24 But we were only</p>	<p>1 A. No.</p> <p>2 Q. To your knowledge, from 1994</p> <p>3 to 2002, was Avco Overseas owned by any</p> <p>4 company that was a corporate affiliate of</p> <p>5 Dallah Avco?</p> <p>6 A. No. They were just taking</p> <p>7 the recruitment fees.</p> <p>8 Q. Was there a contract for</p> <p>9 recruitment services, to your knowledge,</p> <p>10 between Avco Overseas and Dallah Avco?</p> <p>11 MR. HAEFELE: Objection to</p> <p>12 form.</p> <p>13 THE WITNESS: Of course</p> <p>14 there is an agreement for a person</p> <p>15 to recruit, then they give you</p> <p>16 this certain fees for recruiting</p> <p>17 this candidate. Per candidate,</p> <p>18 you get this much percent.</p> <p>19 BY MR. KRY:</p> <p>20 Q. And was that specified in a</p> <p>21 contract between Dallah Avco and Avco</p> <p>22 Overseas?</p> <p>23 A. Yes.</p> <p>24 Q. You testified this morning</p>
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<p>1 communicating with them on to our money</p> <p>2 requirements and how to find these</p> <p>3 candidates.</p> <p>4 Q. During 1994 to 2002, was</p> <p>5 there any corporate affiliation between</p> <p>6 Dallah Avco and Avco Overseas?</p> <p>7 MR. HAEFELE: Object to the</p> <p>8 form.</p> <p>9 THE WITNESS: Except the</p> <p>10 recruitment, I don't know any</p> <p>11 other.</p> <p>12 BY MR. KRY:</p> <p>13 Q. Was it your understanding,</p> <p>14 during that time period, that Avco</p> <p>15 Overseas was an independent contractor?</p> <p>16 MR. HAEFELE: Objection to</p> <p>17 form.</p> <p>18 THE WITNESS: It was a</p> <p>19 recruiting agency. We were</p> <p>20 treating them as a recruiting</p> <p>21 agency, yes.</p> <p>22 BY MR. KRY:</p> <p>23 Q. Was Avco Overseas a</p> <p>24 subsidiary of Dallah Avco?</p>	<p>1 about the interactions you would have</p> <p>2 with Mr. Samir Magboul and Mr. Fareed</p> <p>3 Bogary in connection with Dallah Avco's</p> <p>4 recruiting.</p> <p>5 Do you recall that</p> <p>6 testimony?</p> <p>7 A. Yes.</p> <p>8 Q. To the extent Fareed Bogary</p> <p>9 or Samir Magboul communicated with Alawi</p> <p>10 Kamel in connection with the project,</p> <p>11 would you necessarily have been a party</p> <p>12 to those communications?</p> <p>13 A. Not necessarily to be a</p> <p>14 party. The only thing, maybe we</p> <p>15 called -- we were called on to the</p> <p>16 meetings is where Mr. Kamel chaired the</p> <p>17 meeting is when there is a recruitment</p> <p>18 mission and a recruitment team to</p> <p>19 organize. And we discuss about the</p> <p>20 budget, and we give them our mobilization</p> <p>21 plan, our recruitment plan and what would</p> <p>22 be the cost involved to that program.</p> <p>23 So that's the time that --</p> <p>24 but the authority goes back, again, to</p>

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<p style="text-align: right;">Page 134</p> <p>1 Mr. Samir Magboul or Mr. Fareed Bogary to</p> <p>2 discuss. But they want us to present</p> <p>3 what is our plan, what is going to be our</p> <p>4 cost, what is going to be the involvement</p> <p>5 of mobilization, plus the time frame, how</p> <p>6 long.</p> <p>7 Because they are much more</p> <p>8 concerned about the time frame. Because</p> <p>9 if the candidate has been recruited</p> <p>10 within the time frame then they get</p> <p>11 started billing the program.</p> <p>12 Q. And I believe you testified</p> <p>13 earlier that you may have received from</p> <p>14 Mr. Bogary or Mr. Magboul, for example,</p> <p>15 instructions to hire a particular</p> <p>16 recruit.</p> <p>17 Did you have an</p> <p>18 understanding about where Mr. Bogary or</p> <p>19 Mr. Magboul would have received</p> <p>20 instructions like that from?</p> <p>21 A. Obviously, they will</p> <p>22 receive, because we give them certain</p> <p>23 CVs, a bunch of CVs from everywhere that</p> <p>24 we bring, and then they submit them to</p>	<p style="text-align: right;">Page 136</p> <p>1 EXAMINATION</p> <p>2 - - -</p> <p>3 BY MR. HAEFELE:</p> <p>4 Q. Mr. Khalifa, I just have one</p> <p>5 point of clarification I want to make</p> <p>6 certain.</p> <p>7 You have no knowledge of Mr.</p> <p>8 Al Bayoumi, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. And you are not in a</p> <p>13 position at all to make any statements</p> <p>14 regarding the last item, Number 3 on</p> <p>15 Exhibit Khalifa-72, Dallah Avco's lack of</p> <p>16 knowledge regarding Omar Al Bayoumi's</p> <p>17 activities in the United States, correct?</p> <p>18 MR. KRY: Objection to the</p> <p>19 form.</p> <p>20 THE WITNESS: I have no idea</p> <p>21 at all.</p> <p>22 BY MR. HAEFELE:</p> <p>23 Q. You have no information</p> <p>24 regarding that topic?</p>
<p style="text-align: right;">Page 135</p> <p>1 Presidency of Civil Aviation.</p> <p>2 And then the Presidency of</p> <p>3 Civil Aviation will send them back to Mr.</p> <p>4 Samir Magboul or Mr. Bogary with an</p> <p>5 attachment of the blue letter to hire, to</p> <p>6 go ahead. And that's the time when they</p> <p>7 start the candidates has been officially</p> <p>8 approved by the Presidency of Civil</p> <p>9 Aviation.</p> <p>10 Q. And if you received those</p> <p>11 documents, who would pass them on to you?</p> <p>12 A. Mr. Fareed Bogary's office.</p> <p>13 MR. KRY: Thank you. I have</p> <p>14 no further questions.</p> <p>15 MR. HAEFELE: Can I get the</p> <p>16 Exhibit-72?</p> <p>17 - - -</p> <p>18 (Whereupon, a discussion off</p> <p>19 the record occurred.)</p> <p>20 - - -</p> <p>21 MR. KRY: Actually, I</p> <p>22 don't -- I'm going to need a copy</p> <p>23 of that.</p> <p>24 - - -</p>	<p style="text-align: right;">Page 137</p> <p>1 MR. KRY: Objection to form.</p> <p>2 THE WITNESS: No.</p> <p>3 MR. HAEFELE: What's the</p> <p>4 form?</p> <p>5 MR. KRY: The topic as</p> <p>6 stated is a lack of knowledge</p> <p>7 regarding Al Bayoumi, and the</p> <p>8 witness has testified he has no</p> <p>9 knowledge regarding Al Bayoumi.</p> <p>10 BY MR. HAEFELE:</p> <p>11 Q. Do you have any testimony to</p> <p>12 provide regarding the lack of knowledge</p> <p>13 of Dallah Avco regarding Omar Al</p> <p>14 Bayoumi's activities in the United</p> <p>15 States?</p> <p>16 MR. KRY: Same objection.</p> <p>17 THE WITNESS: I have no -- I</p> <p>18 have no knowledge about this.</p> <p>19 BY MR. HAEFELE:</p> <p>20 Q. Is there any testimony you</p> <p>21 can offer regarding that topic?</p> <p>22 MR. KRY: Same objection.</p> <p>23 THE WITNESS: I have no -- I</p> <p>24 have no idea about this, about</p>

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

*This document relates to:*  
All cases

No. 03 MDL 1570 GBD FM

**ERRATA SHEET FOR THE  
DEPOSITION OF JABER KHALIFA  
(SEPTEMBER 20, 2018)**

<b>Page and Line</b>	<b>Current Text</b>	<b>Revised Text</b>	<b>Reason</b>
25:6-7	No, the – the Dallah Avco assign a project called the ANSS project.	No, the – the Dallah Avco signed a project called the ANSS project.	Transcription error
36:18-22	We make sure that the candidates have what the – the certificates, which is – which he have worked, where he graduated from.	We make sure that the candidates have got the – the certificates, which is – where he has worked, where he graduated from.	Transcription error; Clarification
37:5-6	All the job descriptions that set on the agreement	All the job descriptions are set on the agreement	Clarification
37:12-13	the total money of the program	the total manning of the program	Transcription error
40:7	No, I don't.	I don't know what the PCA did to direct or supervise local recruits during the recruitment process.	Understood question as pertaining to preceding response
45:15	The Mr. Riaz Khan, which was	I separately discussed this subject with Mr. Riaz Khan, who was	Clarification
46:12-13	It is, actually, Riaz Khan, I was to clarify	It is, actually, Riaz Khan, it was to clarify	Transcription error
49:15-16	the requisitions given by Dallah Avco	the requisitions given to Dallah Avco	Clarification

56:5-6	working for the ANSS program for under the PCA	working for the ANSS program under the PCA	Clarification
56:11-12	They can only dedicated for this project.	They can only be dedicated for this project.	Clarification
59:2	And when we contract them	And when we contract ANSS employees	Clarification
61:5-6	And the evaluation is being done by PCA.	Yes. And the evaluation is being done by the PCA.	Clarification
66:11-12	we don't involve into any recruitment, local recruits	we don't get involved in any recruitment of local recruits	Clarification
68:21-69:1	ANSS have got the full authority selecting a candidate and interviewing the candidate and for wording it to Dallah Avco	ANSS have got the full authority for selecting a candidate and interviewing the candidate and forwarding it to Dallah Avco	Clarification; Transcription error
69:4-6	It is their full discretion to hire any local or any local candidate	It is ANSS's full discretion to hire any local or any local candidate	Clarification
69:11-14	it is the obligation of the ANSS, if they want to fill any of these positions local, local candidates	it is the authority of the ANSS, if they want to fill any of these positions with local, local candidates	Clarification
73:15-16	whether this candidate to be in the program	whether this candidate is to be in the program	Clarification
80:2	over 50 percent of the money	over 50 percent of the manning	Transcription error
80:5-6	Dallah Avco came, took over the company	Dallah Avco came, took over the project	Clarification
80:9-11	the staff that are already working the program to your program	the staff that are already working on the program to your program	Clarification
84:2	almost full with their money	almost full with their manning	Transcription error
85:9-10	I'm sure the money was full	I'm sure the manning was full	Transcription error
88:23-24	which is Dallah Avco would submit to ANSS	which Dallah Avco would submit to ANSS	Clarification

101:7-8	But I said our relation was with Avco Overseas	But our relation was with Avco Overseas	Clarification
109:2-3	who does report Mr. Al Salmi, I don't know	who does Mr. Al Salmi report to, I don't know	Clarification
109:16-17	No, it won't be. Because we – no.	It wouldn't be usual.	Understood “usual” rather than “unusual” in question
110:11-12	He is a senior than Samir Bogary on Dallah Avco.	He is more senior than Samir or Bogary at Dallah Avco.	Clarification
110:18-19	But our contact is within the project director	But our contact is with the project director	Clarification
111:5-7	He was a senior, then Mr. Fareed Bogary or then Mr. Salmi Magboul.	He was more senior than Mr. Fareed Bogary or than Mr. Samir Magboul.	Clarification; Transcription error
111:17	No.	It would not have been usual.	Understood “usual” rather than “unusual” in question
122:5-7	we wouldn't know to the procedure of the government transactions	we wouldn't know the procedure of the government transactions	Clarification
126:4-5	Because we base it only to overseas recruitment.	Because we were only concerned with overseas recruitment.	Clarification
127:3-4	there is a program called The Authorization Program.	there is a program called the Saudization program.	Transcription error
127:8-9	they have to meet a certain Saudi organization level program.	they have to meet a certain Saudization level program.	Transcription error
128:1-2	In our understanding is the Presidency of Civil Aviation	In our understanding it is the Presidency of Civil Aviation	Clarification
128:3-4	But it reflects to the overseas recruitment	But it affects the overseas recruitment	Clarification
128:14-15	We receive some incidents	We had some instances	Clarification
130:9-10	they submit their billing, and then they get paid	Dallah Avco submits their billing, and then they get paid	Clarification



131:1-2	on to our money requirements	on our manning requirements	Clarification; Transcription error
132:15-17	then they give you this certain fees for recruiting this candidate	then they give you certain fees for recruiting this candidate	Clarification

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 19, 2018



Jaber Khalifa